

MICHIGAN HAZARDOUS WASTE FACILITY SITING PROVISIONS

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Relevant Statutes and Regulations:

- G PART 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, (Act 451).
- G Hazardous Waste Management Program Administrative Rules Promulgated Pursuant to Part 111 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended; effective September 22, 1998. Michigan Department of Environmental Quality Waste Management Division.
- G As the regulations are revised, rules are updated on Michigan Department of Environmental Quality's Web page at:
<http://www.deq.state.mi.us/wmd/rrs/wmdrrs.html> .

Michigan Hazardous Waste Facility Siting Provisions

Affected Facilities:

- G Disposal facility (324.11102(6), R 299.9102(w))
- G Landfill (324.11103(5), R 299.9105(b))
- G Land treatment facility (324.11103(6), R 299.9105(d))
- G Storage facility (324.11104(4))
- G Treatment facility (324.11104(9), R 299.9108(m))
- G Multisource commercial hazardous waste disposal well (324.11118a, 324.62506a)

Definitions of Facility Types:

- G “Disposal facility” means a facility or part of a facility where managed hazardous waste, as defined by rule, is intentionally placed into or on any land or water and at which hazardous waste will remain after closure (324.11102(6), R 299.9102(w)).
- G “Landfill” means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an injection well, a salt dome formation, a salt bed formation, or an underground mine or cave (324.11103(5), R 299.9105(b)).
- G “Land treatment facility” means a treatment facility or part of a treatment facility at which hazardous waste is applied onto or incorporated into the soil surface. If waste will remain after closure, a facility described in this subsection is a disposal facility (324.11103(6), R 299.9105(d)).
- G “Storage facility” means a facility or part of a facility where managed hazardous waste, as defined by rule, is subject to storage. A generator who accumulates managed hazardous waste, as defined by rule, on site in containers or tanks for less than 91 days or a period of time prescribed by rule is not a storage facility (324.11104(4)).
- G “Treatment facility” means a facility or part of a facility where managed hazardous waste, as defined by rule, is subject to treatment (324.11104(9), R 299.9108(m)).
- G “Multisource commercial hazardous waste disposal well” means a disposal well that receives hazardous waste that is generated by more than one person. Multisource commercial hazardous waste disposal well does not include a disposal well that receives hazardous waste generated from a subsidiary of the person that owns or operates a hazardous waste disposal well (324.11118a, 324.62506a).

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Michigan Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ADMINISTRATION			
STATE ADMINISTERING AGENCY			
The Michigan Department of Environmental Quality (Department) provides the applicant with the site construction permit	PPA PA	<i>[324.11118 (1)]</i>	The Department provides the application form for a site construction permit and then receives the completed application from any applicant proposing to establish a treatment, storage, or disposal facility subject to the site construction permit requirements of §324.11118. The requirements which relate to the siting of the facility are:
		<i>[324.11118 (3)]</i> R299.9504(d) & (e)	<ul style="list-style-type: none"> Ⓒ the location of the proposed facility, Ⓒ determination of existing hydrogeological characteristics specified in a hydrogeological report and monitoring program consistent with rules promulgated pursuant to Part 111, and Ⓒ environmental assessment (at a minimum to include, an evaluation of the proposed facility's impact on the air, water, and other natural resources of the State, and an environmental failure mode assessment).
		<i>[324.11118 (4)]</i>	Additionally, the site construction permit application must include a disclosure statement that includes:
		<i>[324.11118 (4)(d)]</i>	<ul style="list-style-type: none"> Ⓒ A listing of all activities at the property owned or operated by each person required to be listed under §324.11118(4) that resulted in a threat or potential threat to the environment and for which public funds were used to finance an activity to mitigate the threat or potential threat to the environment, except if the public funds expended to facilitate the mitigation of environmental contamination were voluntarily and expeditiously recovered from the application or other listed person without litigation.
		<i>[324.11118 (8)]</i>	<ul style="list-style-type: none"> Ⓒ Funds of \$25,000 are collected from an applicant and placed in a revolving fund when a site construction permit application is referred to a Site Review Board by the Department. The Department administers the revolving fund to be used to cover the expenses of the Site Review Board members. The Department shall also authorize expenditures and maintain records to support any expenses charged to the fund.

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Topic	Stage ¹	State citation ²	Provision
The Michigan Department of Environmental Quality (Department) provides the applicant with the site construction permit (Continued)	PPA PA	<i>[324.11118 (9)]</i>	<p>Ⓒ The Department ensures that certain specific information on the proposed facility is provided in the notification which the applicant publishes at least 30 days prior to submittal of the site construction permit application.</p>
The Department's responsibilities upon receipt of site construction permit application	PA	<p><i>[324.11119 (1)]</i></p> <p><i>[324.11119 (1)(a)]</i></p> <p><i>[324.11119 (1)(b)]</i></p> <p><i>[324.11119 (1)(c)]</i></p> <p><i>[324.11119 (1)(d)]</i></p>	<p>Upon receipt of a site construction permit application that has met all the requirements of 324.11118, the Department shall immediately notify:</p> <ul style="list-style-type: none"> Ⓒ the permanent site review board members and the municipality and county in which the facility is located or proposed to be located; Ⓒ a local soil erosion and sedimentation control agency; Ⓒ each division within the Department with responsibility in land, air, or water management; Ⓒ a regional planning agency established by executive directive of the governor; and Ⓒ other appropriate agencies. <p>The notice shall describe the procedure by which the permit may be approved or denied;</p> <ul style="list-style-type: none"> Ⓒ Review the plans of the proposed facility to determine if the operation complies with applicable State regulations and statutes. The review will include air quality, water quality, waste management, hydrogeology, and the applicant's disclosure statement. Each person within the Department that reviews the plans must sign it before it is referred to the site review board or is denied. If the site review, plan review, and the application meet all requirements, the Department shall refer the application to the Site Review Board. An expansion of a facility beyond original authorized capacity constitutes a new proposal for which a new construction permit is required. Ⓒ Coordinate and review all permits that the applicant is required to obtain from the Department in order to construct the proposed facility Ⓒ Hold a public hearing within 60 days after receipt of a complete construction permit application.

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The Department's responsibilities upon receipt of site construction permit application (continued)	PA	<i>[324.11119 (2)]</i> <i>[324.11119 (3)]</i> <i>[324.11119 (4)]</i> <i>[324.11119 (5)]</i>	<p>Within 120 days after the Department receives an application meeting all requirements of 324.11118, it shall refer the application to the site review board, or it shall notify the applicant of the intent to deny the site construction permit application. If the Department refers an application to the site review board prior to the first board meeting, the Department shall provide each board member with a copy of the application, a staff report including a summary of public comments, a responsiveness summary, and a draft construction permit.</p> <p>If the Department does not refer an application to the site review board or does not notify the applicant of the intent to deny the construction permit application within 120 days, the application shall be submitted to the board for action.</p> <p>If the Department intends to deny the application, it shall commence a public participation process that is equivalent to that required by the applicable provisions of the Solid Waste Disposal Act or regulations promulgated under that act. Upon completion of the public participation process, the Department shall review all comments made and shall refer the application to the site review board or deny the application. If the Department refers the application to the board, it shall proceed as described in 324.11120.</p>
The Department's notification responsibilities after receipt of a site construction permit application	PA	<i>[324.11120 (1)]</i>	<p>The Department shall notify the site review board within 75 days of application receipt, if the Department has not notified the applicant of the intent to deny the application, or at the time the Department refers an application to the board, or at the time an application is referred to the board pursuant to 324.11119(4), whichever is earlier. At the same time, the Department also notifies the county and the municipality in which the proposed facility is to be located and requests the appointment of the site review board members as provided in 324.11117(2)(b).</p> <p>The notification includes a notice of intent to issue all Departmental permits required for the construction, pending recommendations of the board and approval by the Department. Within 45 days of notification, the county and municipality selects the members to serve on the board. The board will be created at that time and notification of the creation of the board is made to the chairperson.</p>

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The Department reviews site construction permit	PA	<p><i>[324.11117 (1)]</i></p> <p><i>[324.11120 (16)]</i></p> <p><i>[324.11120 (16)]</i></p> <p><i>[324.11120 (17)(a) and (b)]</i></p> <p><i>[324.11117 (3)]</i></p> <p><i>[324.11117 (5)]</i></p>	<p>C The Department refers site construction permit applications to the site review board and after receiving recommendations from the site board, either grants or denies final approval.</p> <p>If the board recommends to the Department the approval of the permit application and the Department follows the recommendation, the Department shall prepare a draft construction permit and initiate a public participation process equivalent to that required by the applicable provisions of the solid waste disposal act or regulations promulgated under that act.</p> <p>Upon completion of the public participation process, the Department shall review all comments made during that process and shall issue or revise and issue the site construction permit application or reconvene the board to consider issues specified by the Department that were raised during the public participation process.</p> <p>Within 30 days after reconvening, the board shall recommend to the Department the rejection of the application or recommend the revision and issuance of the permit, or recommend that the Department revise the permit and initiate a public participation process equivalent to that required by the applicable provisions of the solid waste disposal act or regulations promulgated under that act.</p> <p>If the board recommends the rejection of the site construction permit application, it shall recommend that the Department deny the permit and initiate a public participation process equivalent to that required by the applicable provisions of the solid waste disposal act or regulations promulgated under that act; and states reason in writing and indicate the necessary changes to make the application acceptable if a new application is made.</p> <p>C The Department notifies the local governing body of the municipality and county government of all construction permit applications filed with the Department.</p> <p>C The Department makes staff available to assist the site review board in carrying out its responsibilities.</p>

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The Department notifies interested persons of any activities relating to hazardous waste management	PA	<i>[324.11118 (7)]</i>	Persons may wish to be placed on a Department organized mailing list to be kept informed of any rules, plans, construction permit applications, contested case hearings, public hearings, or other information or procedures relating to hazardous waste management. The Department may require a fee to cover material cost.
The applicant - responsibilities for notice	PPA PA	<i>[324.11118 (9)]</i>	The applicant must publish in a newspaper, having major circulation in the municipality and in the immediate vicinity of the proposed facility, a public notification. The notice must be published at least 30 days prior to submittal of an application.
THE INTERAGENCY COORDINATING COUNCIL			
No provisions found.			
INDEPENDENT SITING BOARD			
Site Review Board reviews site construction permit	PA	<i>[324.11117 (1)]</i>	<p>A site review board, consisting of nine voting members and a nonvoting chairperson, is established to review and recommend to the Department whether it should grant or deny final approval for site construction permit applications.</p> <p>If more than one construction permit application for interrelated facilities on a single site within the same municipality are submitted by the same applicant, reviewed concurrently by the Department and referred to the board by the Department, a single board shall be established to review the site applications concurrently but shall recommend the granting or denial of final approval for each application individually.</p>

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Site review board composition	PA	<i>[324.11117 (2)]</i>	The site review board consists of nine members and one non-voting chairperson and is composed of the following:
		<i>[324.11117 (2)(a)]</i>	C Seven members appointed by the Governor, with the advice and consent of the Senate. With certain exceptions, the members shall include a geologist, a chemical engineer, and a toxicologist, a representative from a manufacturing industry, two representatives of the public, and a representative of a municipality. The appointment on the Site Review Board is a 3-year period, and members may be appointed for additional three year periods.
		<i>[324.11117 (2)(b)]</i>	C One member shall be appointed by the governing body of the municipality in which the treatment, storage, or disposal facility is to be located. One member shall be appointed by the county board of commissioners in which the facility is to be located. The members shall serve until the particular site construction permit application subject to their review is approved or rejected.
		<i>[324.11117 (2)(c)]</i>	C An attorney shall be appointed by the governor, with the advice and consent of the senate, to serve as a non-voting chairperson on each board established to review a site construction permit. Subject to other requirements of 324.11117, the governor may appoint more than one chairperson. However, only one chairperson designated by the Department, shall serve on a particular board.
		<i>[324.11117 (4)]</i>	C Five of the nine voting members of the board constitute a quorum, and the concurrence of five voting members of the board constitutes a legal action of the board. All meetings shall be conducted pursuant to the Open Meetings Act, Act No. 267 of the Public Acts of 1976, sections 15.261 to 15.275 of the Michigan Compiled Laws.
		<i>[324.11117 (6)]</i>	C A Site Review Board that is established before December 28, 1987 shall proceed and fulfill its duties pursuant to the applicable law in effect when the Site Review Board was established.

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Site review board's responsibilities	PA	<i>[324.11120 (2)]</i>	Within 30 days after creation of the board, it shall meet to review and establish a timetable for the consideration of an application for a proposed facility.
		<i>[324.11120 (3)]</i>	The site review board's responsibilities include all of the following:
		<i>[324.11120 (3)(a)]</i>	C At its first meeting the board should set a date and arrange for publication of a public hearing notice, no less than 30 days before the hearing date, in a newspaper having major circulation in the vicinity of the proposed site. The public notice shall 1) contain a map indicating the location of the proposed facility, a description of the proposed action, and the location where the application for a site construction permit may be reviewed and where copies may be obtained, and 2) identify the time, place, and location for the public hearing held to receive public comment and input on the application.
		<i>[324.11120 (3)(c)]</i>	C Hold a public hearing within 45 days of the first site review board meeting.
		<i>[324.11120 (4)]</i>	C Comment and input may be presented orally or in writing at the public hearing and should continue to be accepted in writing by the board for 15 days after the public hearing date.
		<i>[324.11120 (5)]</i>	C After the public hearing comment period, the board lists the issues that are to be addressed through a negotiation process and lists the issues to be evaluated by the board.
		<i>[324.11120 (6)(a)-(c)]</i>	C A negotiation process shall take place between the applicant and the affected parties, who are identified by the board. A representative of the municipality and the county in which the facility is proposed to be located shall each be considered an affected party. If requested by any affected party or the applicant, the board shall appoint a mediator to assist during negotiations. The negotiation process shall: <ul style="list-style-type: none"> C proceed concurrently with the board's hearings process C address the list of issues referred by the board and any other issues unanimously agreed to be considered by the applicant and all affected parties C be completed within 150 days after the first meeting of the board unless the applicant and one or more affected parties involved in the negotiation process jointly request an extension of not more than 60 days and the extension is approved by the board <p><i>The board shall not grant extensions in excess of 60 days. An extension granted under this subdivision may extend the time period in which the board either approves or rejects the site construction permit application as specified in 324.11120(15).</i></p> <p style="text-align: right;"><i>(Continued)</i></p>

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Site Review Board's responsibilities (continued)	PA	<i>[324.11120 (7)]</i>	C On each negotiation issue which has not reached a negotiated settlement, the board shall select between final best offers presented by affected parties. The final best offer or the negotiated settlement shall not be less stringent than the requirements of the law or pertinent decisions of the board, whichever is the most stringent.
		<i>[324.11120 (8)]</i>	C The board shall conduct formal or informal hearings to receive evidence on the disputed issues not subject to the negotiation process described in 324.11120(6) &(7).
		<i>[324.11120 (9)]</i>	C Any formal hearings shall be conducted by the site review board to receive information from technical experts on disputed issues. Any affected party may request permission by the board to participate in its formal hearings within 15 days after the public hearing. The board shall determine which affected parties shall participate in the formal hearing. If the board denies the request of an affected party to participate in the formal hearing, it shall give the affected party notice of its decision and the reasons for the decision. A representative of the municipality and of the county in which the facility is proposed to be located shall each be automatically entitled to participate.
		<i>[324.11120 (10)]</i>	C Comments made at informal hearings shall not be made under oath and no cross-examination shall occur.
		<i>[324.11120 (11)&(12)]</i>	C The site review board shall deliberate on the impact of the proposed facility on the municipality in which it is to be located and make a final determination to the Department of its recommendation regarding the site construction permit application. At a minimum, the Board shall consider all of the following:
		<i>[324.11120 (12)(a)-(g)]</i>	C the risk and impact of accidents during the transportation of hazardous waste, C the risk and impact of ground and surface water contamination by leaching and runoff from the proposed facility, C the risk of fires or explosions from improper treatment, storage, and disposal methods, C the impact on the municipality where the proposed facility is to be located in terms of health, safety, cost, and consistency with local planning and existing development. The board shall also consider local ordinances, permits, or other requirements and their potential relationship to the proposed facility,

(Continued)

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Site review board's responsibilities (continued)	PA	[324.11120 (12)(a)-(g)]	<div>C the nature of the probable environmental impact, including the specification of the predictable adverse effects on the following:<div>C the natural environment and ecology,</div><div>C public health and safety,</div><div>C scenic, historic, cultural, and recreational value, and</div><div>C water and air quality and wildlife,</div><div>C an evaluation of measures to mitigate adverse effects, and</div><div>C the information contained in the construction permit application disclosure statement.</div></div>
		[324.11120 (13)]	<div>C The board shall also consider the concerns and objections submitted by the public. The board shall facilitate efforts to ensure that concerns and objections are mitigated by establishing additional stipulations specifically applicable to the facility and operation at that site. Through deliberations, the board may modify the site construction permit application in response to its findings. To the fullest extent practicable, the board also shall integrate by stipulation the provisions of the local ordinances, permits, or requirements.</div>
		[324.11120 (14)]	
		[324.11120 (15)]	<div>C The board may seek the advice of any person in order to make its recommendation to the Department to approve or deny the site construction permit application.</div> <div>C Within 180 days after the first meeting of the board, it shall make a decision on the negotiated agreement and the final best offer from each party on each issue and shall recommend to the Department either approval or rejection of the site construction permit application. The 180-day time period may be extended as provided in 324.11120(6)(c); however, an extension shall not exceed 60 days.</div>
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Site review board's responsibilities (continued)	PA	<i>[324.11120 (16)]</i>	<p>C If the board recommends to the Department the approval of the permit application and the Department follows the recommendation, the Department shall prepare a draft construction permit and initiate a public participation process equivalent to that required by the applicable provisions of the solid waste disposal act or regulations promulgated under that act.</p> <p>Upon completion of the public participation process, the Department shall review all comments made during that process and shall issue or revise and issue the site construction permit application or reconvene the board to consider issues specified by the Department that were raised during the public participation process.</p> <p>Within 30 days after reconvening, the board shall recommend to the Department the rejection of the application or recommend the revision and issuance of the permit, or recommend that the Department revise the permit and initiate a public participation process equivalent to that required by the applicable provisions of the solid waste disposal act or regulations promulgated under that act.</p>
		<i>[324.11120 (17)]</i>	<p>C If the board recommends the rejection of the site construction permit application, it shall do the following:</p> <ul style="list-style-type: none"> C state its reason in writing and indicate the necessary changes to make the application acceptable if a new application is made, and C recommend that the Department deny the permit and initiate a public participation process equivalent to that required by the applicable provisions of the solid waste disposal act or regulations promulgated under that act.

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LOCAL COMMUNITY NEEDS AND INVOLVEMENT			
LOCAL REVIEW/INVOLVEMENT			
Governing board of the local municipality appoints one member of the site review board - timeframe	PA	<i>[324.11117 (2)(b)]</i> <i>[324.11120 (1)]</i>	One member of the site review board shall be appointed by the governing body of the municipality in which the treatment, storage, or disposal facility is primarily proposed to be located to serve on the board that is established to consider a particular construction permit application. The appointment must be made within 45 days of notification by the Department of its intent to issue all permits required for the construction of the proposed facility.
County Board of Commissioners appoints one member of the site review board	PA	<i>[324.11117 (2)(b)]</i> <i>[324.11120 (1)]</i>	One member of the site review board shall be appointed by the county Board of Commissioners in which the treatment, storage, or disposal facility is proposed to be located and shall be a resident of the county where the facility is proposed to be located. The appointment must be made within 45 days of notification by the Department of its intent to issue all permits required for the construction of the proposed facility.
OTHER AGENCY OR GOVERNMENTAL ENTITY INVOLVEMENT			
Governor appoints site review board	PA	<i>[324.11117 (2)(a)]</i>	The governor is responsible for appointing the members of the site review board (with the advice and consent of the Senate).
Governor appoints attorney to serve on site review board	PA	<i>[324.11117 (2)(c)]</i>	The governor appoints an attorney (with the advice and consent of the senate) to serve as a nonvoting chairperson on each site review board established to review a site construction permit. The chairperson shall have experience in conducting formal meetings where sworn testimony is received. Subject to other requirements of site review boards, the governor may appoint more than one chairperson. However, only one chairperson designated by the Department shall serve on a particular board.

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COMPATIBILITY OF FACILITY SITE WITH LOCAL SOLID WASTE MANAGEMENT PLANS			
Considerations for local planning and existing development	PA	<i>[324.11120 (12)(d)]</i>	When making a final decision on a site construction permit application, the site review board should consider the impact on the municipality where the proposed facility is to be located in terms of consistency with local planning and existing development. The board shall also consider local ordinances, permits, or other requirements and their potential relationship to the proposed facility.
IMPACT OF FACILITY ON LOCAL LAND USE			
Considerations for local ordinances, permits, and other requirements	PA	<i>[324.11120 (12)(d)]</i>	In deciding whether to issue a site construction permit for a hazardous waste disposal facility, the site review board should consider the impact on the municipality where the proposed facility is to be located in terms of health, safety, cost, and consistency with local planning and existing development. The board shall also consider local ordinances, permits, or other requirements and their potential relationship to the proposed facility.
Local ordinances or permit requirements cannot prohibit the construction of new facilities	PA	<i>[324.11121]</i>	A local ordinance, permit requirement, or other requirement does not prohibit the construction of a treatment, storage, or disposal facility, except for limited storage facilities as otherwise provided in 324.11122.

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PUBLIC PARTICIPATION			
<p>G As the regulations are revised, this information is updated on Michigan Department of Environmental Quality's Web page at: http://www.deq.state.mi.us/wmd/rrs/wmdrrs.html Select "compiled rules and index" and the information is at "Construction Permits and Operating Licenses" / "Public Participation Procedures"</p> <p>G The federal regulations regarding the public participation process for the permitting of hazardous waste (RCRA) facilities can be viewed at http://earth1.epa.gov/epacfr40/chapt-I.info/subch-D/40P0124.pdf within the Part 124 Procedures for Decisionmaking.</p>			
NOTIFICATION			
Pre-application public notification	PPA	<p><i>[324.11118 (9)]</i></p> <p>R 299.11003 (1)(b)</p>	<p>At least 30 days prior to submittal of the site construction permit application, the applicant must publish, in a newspaper having major circulation in the municipality and the immediate vicinity of the proposed facility, a public notification. The notice shall contain a map indicating the location of the proposed facility and information on the nature and size of the proposed facility. In addition, the notice shall contain all the following information which is provided by the Department:</p> <ul style="list-style-type: none"> C a description of the application review process, C the location where the complete application package may be reviewed, and C an explanation of how copies of the complete application package may be obtained. <p>In addition, Michigan incorporates 40 CFR 124 Subpart B by reference, which includes provisions (124.32) for public notification at the application stage.</p>
Notification of public hearing to be held after the first site review board meeting	PA	<p><i>[324.11120 (3)(c)]</i></p> <p>R 299.11003 (1)(b)</p>	<p>Not less than 30 days before the date of the public hearing, the site review board must publish a notice. This public hearing is the one which is held after the first meeting of the site review board as specified in 324.11120(3)(b).</p> <p>In addition, Michigan incorporates 40 CFR 124 Subpart A by reference, which includes provisions for public notification for the permit application phase.</p>

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Michigan Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
PUBLIC MEETING			
Pre-application public meeting	PPA	R 299.11003 (1)(b)	Michigan incorporates 40 CFR 124 Subpart B by reference, which includes provisions (§124.31) for a pre-application public meeting.
PUBLIC HEARINGS			
Post-application public hearing	PA	<i>[324.11119(1)(d)]</i>	Within 60 days after receipt of a complete site construction permit application, the Department holds a public hearing.
Post-site review board meeting public hearing	PA	<i>[324.11120(3)(b) & 324.11120 (4)]</i>	Within 45 days of the first site review board meeting, the site review board shall hold a public hearing. Comment and input on the proposed facility may be presented orally or in writing at the public hearing and should continue to be accepted in writing by the board for 15 days after the public hearing date.

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Michigan Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ADJUDICATORY HEARINGS			
Site review board holds formal hearings on disputed issues	PA	<i>[324.11120 (8)&(9)]</i> <i>[324.11120(9) (a)-(d)]</i>	<p>For disputed issues not subject to the negotiation process described in 324.11120(6) & (7), the site review board conducts formal or informal hearings to receive evidence on disputed issues that may arise between the applicant and affected parties (“affected parties” are identified by the board during negotiations).</p> <p>Any formal hearings shall be conducted by the site review board to receive information from technical experts on disputed issues. Any affected party may request permission by the board to participate in its formal hearings within 15 days after the public hearing. The board shall determine which affected parties shall participate in the formal hearing. If the board denies the request of an affected party to participate in the formal hearing, it shall give the affected party notice of its decision and the reasons for the decision. A representative of the municipality and of the county in which the facility is proposed to be located shall each be automatically entitled to participate. During the board’s formal hearing process, it shall:</p> <ul style="list-style-type: none"> Ⓒ Receive sworn testimony, Ⓒ Cross-examine witnesses, Ⓒ Allow representatives of affected parties to cross-examine witnesses, and Ⓒ Request participation as needed.
OTHER			
No provisions found.			

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Topic	Stage ¹	State citation ²	Provision
SITING RESTRICTIONS AND PROHIBITIONS			
Federal siting restrictions and prohibitions can be viewed at http://www.epa.gov/epacfr40/chapt-I.info/subch-I/ by selecting “Part 264 (Updated 1997) - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”. The regulatory requirements are in Location Standards at 264.18 in the document. (State regulations cannot be less stringent than the federal counterparts.)			
SOIL AND WATER			
Restrictions for facilities located over aquifers	PA	R 299.9603 (1)(d)	Active portions of new treatment, storage, or disposal facilities or expansions, enlargements, or alterations of existing facilities shall not be located over a sole-source aquifer or the recharge zone of a sole-source aquifer. The Director can grant an exemption to this provision based upon a demonstration by the applicant that the facility will be located, designed, constructed, and operated in a manner that will prevent contamination of the aquifer.
Restrictions for facilities located near public water supplies	PA	R 299.9603 (1)(e)	Active portions of new treatment, storage, or disposal facilities or expansions, enlargements, or alterations of existing facilities shall not be located within that isolation distance from public water supplies specified by act 399 (Michigan's safe drinking water act).
Restrictions for facilities located in areas with permeable soil	PA	R 299.9603(5)	Landfills, surface impoundments, and waste piles shall only be located in areas where there is not less than six meters of soil with a maximum permeability of 1.0×10^{-6} cm/sec at all points below and lateral to the liner or bottom of the landfill, surface impoundment, or waste pile, unless the owner or operator substitutes an engineered backup liner of equivalent design and demonstrates to the Director that it provides equivalent environmental protection.
Restrictions relating to the clean water act	PPA	R 299.9602 (1)(a)	All treatment, storage, and disposal facilities shall be located, designed, constructed, and operated in a manner that will prevent violations of the Federal Clean Water Act Part 31 of Act 451.
Restrictions relating to aquifer degradation	PPA	R 299.9602 (1)(c)	All treatment, storage, and disposal facilities shall be located, designed, constructed, and operated in a manner that will prevent degradation, as defined by Part 31 of Act 451, of a sole-source aquifer.

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Michigan Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
Considerations for groundwater contamination	PA	<i>[324.11120 (12)(b)]</i>	In deciding whether to issue a site construction permit for a hazardous waste disposal facility, the site review board should consider the risk and impact of ground and surface water contamination by leaching and runoff from the proposed facility.
Considerations for water quality	PA	<i>[324.11120 (12)(e)(iv)]</i>	In deciding whether to issue a site construction permit for a hazardous waste disposal facility, the site review board should consider the nature of the probable environmental impact, including the specification of the predictable adverse effects on water quality.
SEISMIC CONSIDERATIONS			
Restrictions for facilities located near faults	PA	R 299.9603 (1)(a) R 299.11003 (1)(l)	Active portions of new treatment, storage, or disposal facilities or expansions, enlargements, or alterations of existing facilities shall not be located within 61 meters of a fault which has displacement in Holocene time. This is equivalent to 40 CFR 264.18(a)(1), which Michigan also incorporates by reference.
FLOODING AND EROSION			
Restrictions for facilities located in a floodway	PA	R 299.9603 (1)(b)	Active portions of new treatment, storage, or disposal facilities or expansions, enlargements, or alterations of existing facilities shall not be located in a floodway designated by the Department under Part 31 of Act 451.
Restrictions for facilities located in a floodplain	PA	R 299.9603(4)	Treatment, storage, and disposal facilities shall not be located in a floodplain, except in the following circumstances: C The facility is designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a flood, or C The owner/operator can demonstrate to the Director that procedures are in effect which will cause the waste to be removed safely, before floodwaters can reach the facility, to a location where the wastes will not be vulnerable to the floodwaters.
Floodplain considerations	PA	R 299.11003 (1)(l)	Michigan incorporates 40 CFR 264.18(b) by reference which requires facilities located in a 100-year floodplain to be designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood unless the facility owner/operator can demonstrate that certain procedures are in effect that will prevent washout or that no adverse effects will result if washout occurs.

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Michigan Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
AIR			
Restrictions relating to the clean air act	PPA	R 299.9602 (1)(b)	All treatment, storage, and disposal facilities shall be located, designed, constructed, and operated in a manner that will prevent air emissions in violation of the Federal Clean Air Act Part 55 of Act 451.
Considerations for air quality	PA	<i>[324.11120 (12)(e)(iv)]</i>	In deciding whether to issue a site construction permit for a hazardous waste disposal facility, the site review board should consider the nature of the probable environmental impact, including the specification of the predictable adverse effects on air quality.
DISTANCE LIMITATIONS/BUFFER ZONES			
Criteria for facilities near faults	PA	R 299.9603 (1)(a)	Active portions of new treatment, storage, or disposal facilities or expansions, enlargements, or alterations of existing facilities shall not be located within 61 meters of a fault which has displacement in Holocene time.
Buffer zones around commercial, residential, or recreational property	PA	R 299.9603(2) &(3)	<p>Unless otherwise allowed by a construction permit or operating license under the act or R 299.9603(3), the following isolation distances shall be maintained between the active portion of a new facility and adjacent commercial, residential, or recreational property lines:</p> <ul style="list-style-type: none"> ⌄ For landfills, 150 meters; and ⌄ For other facilities, 60 meters <p>Adjacent commercial, residential, or recreational property shall not include public roads, railroads, or rights-of-way. The Director may require lesser or greater isolation distances than those specified above, based on the following criteria:</p> <ul style="list-style-type: none"> ⌄ The proposed design and operation of the facility, ⌄ The location of private water wells, and ⌄ The potential for fugitive emissions in violation of Part 55 of Act 451.

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Michigan Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
OTHER HUMAN HEALTH CONSIDERATIONS			
Restrictions for facilities that might expose humans to hazardous waste	PPA	R 299.9602 (1)(d)	All treatment, storage, and disposal facilities shall be located, designed, constructed, and operated in a manner that will prevent exposure of humans or the environment to harmful quantities of hazardous waste or hazardous waste constituents.
Considerations for public health and safety	PA	[324.11120 (12)(d)]	In deciding whether to issue a site construction permit for a hazardous waste disposal facility, the site review board should consider the impact on the municipality where the proposed facility is to be located in terms of health, safety, and cost.
		[324.11120 (12)(e)(ii)]	In deciding whether to issue a site construction permit for a hazardous waste disposal facility, the site review board should consider the nature of the probable environmental impact, including the specification of the predictable adverse effects on public health and safety.
Considerations for the risk of accidents during hazardous waste transportation	PA	[324.11120 (12)(a)]	In deciding whether to issue a site construction permit for a hazardous waste disposal facility, the site review board should consider the risk and impact of accidents during the transportation of hazardous waste.
ENVIRONMENTALLY SENSITIVE AREAS			
Restrictions in coastal high-risk areas	PA	R 299.9603 (1)(c)	Active portions of new treatment, storage, or disposal facilities or expansions, enlargements, or alterations of existing facilities shall not be located in a coastal high-risk area designated under the Shorelands Act.
Restrictions for facilities that might affect natural resources	PPA	R 299.9602 (1)(e)	All treatment, storage, and disposal facilities shall be located, designed, constructed, and operated in a manner that will prevent pollution, impairment, or destruction of the natural resources of the State.
Considerations for the natural environment and ecology	PA	[324.11120 (12)(e)(i)]	In deciding whether to issue a site construction permit for a hazardous waste disposal facility, the site review board should consider the nature of the probable environmental impact, including the specification of the predictable adverse effects on the natural environment and ecology.

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Michigan Hazardous Waste Facility Siting Provisions

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Endangered Species			
No specific provisions found.			
Critical Habitats			
No specific provisions found.			
Wetlands			
Restrictions in wetlands	PA	R 299.9603 (1)(f)	Active portions of new treatment, storage, or disposal facilities or expansions, enlargements, or alterations of existing facilities shall not be located in a wetland.
Wild, Scenic or Recreational Areas			
Considerations for scenic, historic, cultural and recreational value	PA	<i>[324.11120 (12)(e)(iii)]</i>	In deciding whether to issue a site construction permit for a hazardous waste disposal facility, the site review board should consider the nature of the probable environmental impact, including the specification of the predictable adverse effects on scenic, historic, cultural, and recreational value.
Approved Farmland Preservation Areas			
No specific provisions found.			
Other			
Considerations for wildlife	PA	<i>[324.11120 (12)(e)(iv)]</i>	In deciding whether to issue a site construction permit for a hazardous waste disposal facility, the site review board should consider the nature of the probable environmental impact, including the specification of the predictable adverse effects on wildlife.
OTHER RESTRICTIONS			
Salt dome formations, salt bed formations, underground mines and caves	PA	R299.11003(1)(l)	Michigan incorporates 40 CFR 264.18(c) by reference, which prohibits the placement of any noncontainerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave.

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ENVIRONMENTAL JUSTICE CONSIDERATIONS			
No provisions found.			
ECONOMIC CRITERIA			
No provisions found.			
OTHER CRITERIA			
No provisions found.			

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